

CLERK OF DISTRICT COURT
NORTHERN DIST. OF TX
FILED

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

2016 APR 21 AM 10:39

DEPUTY CLERK RAV

JEWELLEAN MOORE,

ARTHUR CARSON,

PLAINTIFF'S,

VS.

REALPAGE INC.,

LOS LOMAS APARTMENTS,

BRISA HERNANDEZ, MANAGER LOS LOMAS APARTMENTS,

DEFENDANTS.

3-16CV1080-M

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF WITH JURY DEMAND

PRELIMINARY STATEMENT:

Jewellean Moore, and Arthur Carson, the Plaintiff, brings this action under the Fair Credit Reporting Act Title VII of the Civil Rights and Fair Housing Act, and for Discriminatory Exclusion of Ex-felons from Housing. Jurisdiction is conferred on this Court pursuant to the Unfair or Deceptive Acts and Equal Treatment Clause Under the Fourteenth Amendment of the United States Constitution.

A). This is an Action for Damages brought by Two Individual Consumers against the Defendants For Violation of the FRCA, 15 U.S.C. 1681, and for Discriminatorily Exclusion of African Americans Trying to Restart their Life.

B). Defendant's Los Lomas, has Acted with Realpage Inc., to Ignore inaccurate internet data while Performing "So-Called" background checks. Realpage Inc., are in the Business of providing Los Lomas Apartments with Accurate, comprehensive Consumer Reports for Rental Applications, Realpage Inc., Has engaged in a Systemic scheme of Fraud and Deception.

I. FACTUAL ALLEGATIONS

On March 10, 2016, Jewellean Moore and Arthur Carson , applied for an Apartment at the Los Lomas Apartment, where two fees totaling \$70.00 were paid @ \$35.00 per application. Both applications were Denied several hours later for reasons such as, i.e. "Criminal history, credit history, and credit score", As told by Defendant Brisa Hernandez. A copy attached as (Exhibit-1,2,). Defendant Hernandez, failed To take actions when informed of errors made in their decision.

Jewellean Moore's application were denied based on inaccurate and a derogatory report of a Criminal Background, when She has never been Arrested nor Convicted for a Felony or Misdemeanor.

The Defendant use of a Credit History and score as a Criteria was arbitrarily made, since Los Lomas Tenant's Selection Criteria signed by both Plaintiff March 03, 2016, donot specify credit history or Score would be used, see attached (Exhibit -3, Tenant Selection Criteria). The use of this tactic while Keeping Plaintiff's application fees violated Texas Law, see; Texas Property Code, 92.3515.

The Defendants Los Lomas ignoring its own selection Criteria Represent the fraudulent Application fee Apparatus, which is used as a Revenue generator.

JEWELLEAN MOORE FACTS-CONTINUED

- 1). Since Jewellean Moore have no Criminal History, the Report is false;
- 2). The Application were denied contrary to Defendants Los Lomas own Selection Criteria;
- 3). Jewellean Moore, is an African American;
- 4). Defendants made no legitimate effort to use a Legitimate Law Enforcement Agency to Do background checks, or Use authentic documents to rely on in denying the application.
- 5). Plaintiff Jewellean Moore Right to fair housing were denied.

FACTUAL ALLEGATIONS OF ARTHUR CARSON

The Defendants, Los Lomas, and Realpage Inc., used a thirty-eight year old misdemeanor conviction, Twenty-eight year conviction for attempted murder against Plaintiff Arthur Carson, the report went on To detail someone other that Plaintiff with a similar first and last name, but with a different middle Name, as opposed to "Wayne". The Arthur Ray Carson used had a conviction for Homocide, this was Used solely by Defendants as puffing.

The Defendants failure to use a legitimate Law Enforcement has allowed the Defendants to rely on internet garbage and to use prior convictions infinitely, or not within a reasonable time of the felony conviction, see the seven year limit used by HUD, 24 CFR. 982.553(c)(2).

The Defendant further used a credit History Report against Plaintiff Carson, contrary to the Tenant selection criteria agreed on prior to Defendants receiving the application fee.

DISCRIMINATORY DISFRANCHISEMENT:

The Defendant's practice, policy is to unfairly discriminate against African-Americans, moreso Those African American with a previous background, no matter the time frame. Such actions have Impaired Ex-felons ability to obtain safe, decent housing, contrary to other Race.

The blanket ban on renters with a past conviction as Plaintiff Carson, with no consideration given to the Length of time from the conviction, regardless of Plaintiff's attempt to demonstrate Rehabilitation.

The Defendants continued castigation of Plaintiff Carson for His Criminal past, represent an on going Punishment from a past that haunts Him and prevents Him from being able to rebuild His Life.

Contemporaneously, there exist a disproportionate number of African Americans convicted, and Imprisoned. Plaintiff Carson is an African American, and the Defenadants blanket ban against Housing is equally disparate, and discriminates against African Americans.

WHEREFORE, PREMISES CONSIDERED, PLAINTIFF'S PRAY, THAT Declaratory and Injunctive Relief Is granted; and Compensatory, Punitive damages be Issued against the Defendants for One Million Dollars.

3/10/2016

Arthur Carson
3801 Us Highway 80 E
Mesquite, TX 75150-3302, US

Thank you for your recent application. Your request for a leasing agreement was carefully considered and we regret that we are unable to approve your application at this time for the following reason(s):

Credit history unsatisfactory
Criminal history unsatisfactory
Credit score unsatisfactory or insufficient

Our decision was based in whole or in part on the credit and/or public record information obtained for the group application, including the reports from the consumer reporting agencies listed below relating to Jewellean Moore. You have the right, under the Fair Credit Reporting Act, to know the information contained in your file at the bureaus listed below. Under the Fair Credit Reporting Act, you have the right to submit a written request to the consumer reporting agency for a free copy of your consumer credit report no later than 60 days after you receive this notice. The reporting agency played no part in our decision and is unable to supply specific reasons why we have made this decision on your leasing application.

We also obtained your credit score from the consumer reporting agency listed below and used it as a factor in our decision. Your credit score is a number that reflects the information in your credit report. Your credit score can change, depending on how the information in your credit report changes.

Your Credit Score : 557

Date:3/10/2016

Scores range from a low of 350 to a high of 850

Key factors that adversely affected your credit score:

Serious delinquency and derogatory public record or collection filed
Number of accounts with delinquencies
Length of time accounts have been established
Length of time since derogatory public record or collection is too short

In addition to your credit score which we obtained from the consumer reporting agency, our screening services provider, RealPage, Inc., also provides a score. Your LeasingDesk Score is set forth below.

Your LeasingDesk Score :278

Scores range from a low of 0 to a high of 1000

Key factors that adversely affected your LeasingDesk score:

Tradeline scoring
Fico
Rental Collection

If you have a question on the completeness or accuracy of the information used to create the consumer report, you have the right to dispute the matter by contacting the consumer reporting agencies listed below:

Equifax
P.O. Box 105873

Brisa Hernandez

(EX-#1)

Atlanta, Georgia, 30348
(800) 685-1111

RealPage, Inc.
4000 International Parkway
Carrollton, Texas, 75007
(866) 934-1124
<http://www.realpage.com/consumer-dispute>

If you have a question about this notice or the community's rental standards, please contact the submitting property.

Las Lomas
6161 Trail Glen
Dallas, TX 75217 ,US

Sincerely,
Las Lomas

3/10/2016

Jewellean Moore
3801 Us Highway 80 E
Mesquite, TX 75150-3302, US

Thank you for your recent application. Your request for a leasing agreement was carefully considered and we regret that we are unable to approve your application at this time for the following reason(s):

Credit history unsatisfactory
Criminal history unsatisfactory
Credit score unsatisfactory or insufficient

Our decision was based in whole or in part on the credit and/or public record information obtained for the group application, including the reports from the consumer reporting agencies listed below relating to Arthur Carson. You have the right, under the Fair Credit Reporting Act, to know the information contained in your file at the bureaus listed below. Under the Fair Credit Reporting Act, you have the right to submit a written request to the consumer reporting agency for a free copy of your consumer credit report no later than 60 days after you receive this notice. The reporting agency played no part in our decision and is unable to supply specific reasons why we have made this decision on your leasing application.

We also obtained your credit score from the consumer reporting agency listed below and used it as a factor in our decision. Your credit score is a number that reflects the information in your credit report. Your credit score can change, depending on how the information in your credit report changes.

Your Credit Score : 532

Date: 3/10/2016

Scores range from a low of 350 to a high of 850

Key factors that adversely affected your credit score:

Serious delinquency and derogatory public record or collection filed

Length of time accounts have been established

Number of accounts with delinquencies

Time since delinquency is too recent or unknown

In addition to your credit score which we obtained from the consumer reporting agency, our screening services provider, RealPage, Inc., also provides a score. Your LeasingDesk Score is set forth below.

Your LeasingDesk Score : 278

Scores range from a low of 0 to a high of 1000

Key factors that adversely affected your LeasingDesk score:

Tradeline scoring

Fico

Rental Collection

If you have a question on the completeness or accuracy of the information used to create the consumer report, you have the right to dispute the matter by contacting the consumer reporting agencies listed below:

Equifax
P.O. Box 105873

Brisa Hernandez (EX#2)

Atlanta, Georgia, 30348
(800) 685-1111

RealPage, Inc.
4000 International Parkway
Carrollton, Texas, 75007
(866) 934-1124
<http://www.realpage.com/consumer-dispute>

If you have a question about this notice or the community's rental standards, please contact the submitting property.

Las Lomas
6161 Trail Glen
Dallas, TX 75217 ,US

Sincerely,
Las Lomas

Bas Lomas Apartment Community

Tenant Selection Criteria

Qualifications Guidelines:

Fair Housing & VAWA Statement: Our Apartment Community is committed to compliance with all Federal, State, and Local Fair Housing laws. It is our policy to offer apartments for rental to the general public without regards to race, color, national origin, religion, sex, Familial status, handicap and violence against women victims. Additionally, our ability to verify whether these requirements have been met is limited to the information we receive from the tenants and from third party credit reporting services used.

Maximum Occupancy Standards:

The maximum occupancy is as follows: Stated by the guidelines set forth by the department of Housing and Urban Development (HUD)

Maximum Application Fee:

The maximum application fee per adult will be of \$35.00 (Thirty-Five Dollars 00/100).

Age Requirements:

Leaseholder (s) must be (18) eighteen – years age unless an emancipated minor through the court, Married and head of household and or single and with child. All occupants (18) eighteen – years or older will be required to complete an application even if living with parent(s) or guardian(s) or head of household.

Income Requirements:

Your gross monthly income must be sufficient to cover (2) two times the amount of the apartment rent. All residents must provide their most recent (6) six check stubs if paid weekly, (3) three check stubs if paid bi-weekly, (3) three check stubs if paid semi-monthly, which must include their year to date earning and/or complete employment information for third party verification. If self- employed you may provide the prior year's income tax return with supporting documentation. At least (6) six months of verifiable employment is required. Households participating in a voucher program requires the household to have the greater of: the monthly income of (2) two times the household's share of the total monthly rent or an annual income of \$2,500.

Requirement for Section 8 and recipients of housing assistance programs:

Section 8* and recipients of other housing assistance programs, applicants are welcome and must qualify with all criteria except income.

Rental History:

We require (6) months verifiable rental history.

Second chance: No broken leases or evictions in the last 24 months, and no more than one within 5 years after that. A regular deposit (depending on size of an apartment) will be required. And no specials will be granted.

First time renters: Will be accepted with a regular deposit and no specials

Criminal History:

Leaseholder(s) or Occupant(s) with a felony conviction in the last ten (10) years will not be accepted. Leaseholder(s) or Occupant(s) who exhibit crimes involving a minor, crime of violence, illegal drugs with intent of deliver, prostitution or weapons of any kind will not be accepted. Female victims of abuse will not be disallowed under criminal specifically for the abuse.

Pet Criteria:

We allow (2) animals per household. The pet weight limit are not to exceed (25) lbs. The deposit is (250.00) two hundred and fifty dollars per pet, which is refundable in full if the pet does not damage the apartment, or will be used as needed to pay damages if any. **No Pit Bulls are allowed!** Service animals are allowed and exempt from this requirement unless they become a danger to the staff or other residents and if this were to be the case the specific animal will no longer be allowed.

Fire Arms Criteria:

We do not allow the possession of firearms on property. Exceptions to this rule are that individuals that require the possession of fire arms due to lawful employment, such as security guards or Military will be allowed to have them, if they can provide the office with proof of such employment, as well as a State or Federal issued permit.

Reasonable Accommodations:

There are 37 handicap units on the property. Subject to unit availability, if no handicap units are available, one will be made available if requested, upon completion and signature of Special Need Certification. The property will undertake reasonable apartment modification up to a cost of \$500 and with a time frame of 10 working days. The property will make best efforts to accommodate women victims of abuse by transferring them to another unit. This is subject to their fulfilling their rental requirements.

Transfer Policy:

Transfer request effective at the end of a lease will be approved subject to unit availability and compliance with all rental qualification requirements for the new unit.

Wait List Policy:

In case one of the requested floor plans is not available for an approved applicant, candidates will be placed on a waiting list on a first come basis.

Auth. Carru 3/10/16
Resident's Signature Date

Jewellean Moore 3/10/16
Resident's Signature Date

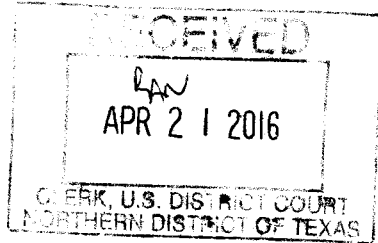
Resident's Signature Date

Resident's Signature Date

Owner's Representative Date

This document of 4/1/2015 supersedes previous versions.

(EX#3)



04/11/2016
ARTHUR CARSON
Jewellean Moore
1515 N. TOWN EAST BLVD. #138-334
MESQUITE, TX. 75150
(501-240-3437)

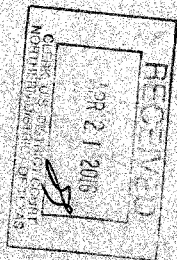
Clerk:

ENCLOSED FOR YOUR FILING PLEASE FIND,
FOUR COPIES OF COMPLAINT; APPLICATION FOR ARTHUR-
CARSON, JEWELLEAN MOORE, TO PROCEED IN COURT
WITHOUT PREPAYMENT OF FEES OR COST.

Sincerely,

Arthur Carson

A. Carlson
1515 A. Town East Blvd. #138-334
Mesquite, TX 75150



Clerk
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
1400 Commerce St. #1452
Dallas, TX, 75242

